

REMARKS

Applicants respectfully request the Examiner to enter the above amendments and to reconsider the rejection in view of the following remarks and amendments. Applicants thank the Examiner for the indication that Claims 2 to 10 would be allowable if rewritten in independent form.

Status of Claims

Claims 1 to 10 will be pending after entry of the present amendment. Claims 1 to 10 are being amended. Claims 2 to 10 have been indicated as being allowable if rewritten in independent form. Claim 1 has been rejected under 35 U.S.C. §112, second paragraph.

Amendment

Claim 1 is being amended to recite the substituents for R₁ through R₄ in traditional Markush group format. Claim 1 is also being amended to delete the phrases “preferably phenoyl or thiophenoyl” in the preamble and “preferably 1 to 6 carbon atoms” in step a). Claim 1 is also being amended for editorial reasons unrelated to patentability to remove the extra occurrence of the word “represents” immediately following “R” and to remove “h)” so that the deacylating step is part of step g). All these amendments to Claim 1 do not change its scope as originally filed in this application.

Claims 2 through 10 are being amended for editorial reasons unrelated to patentability. The amendments to Claims 2 to 10 do not change the scope of these claims relative to the original claims in this application.

No new matter is added by the amendments to the claims.

Response to Rejection Under Section 112, second paragraph

Claim 1 has been rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Particularly, the Office Action has noted the following:

- a) the definitions for R₁, R₂ and R₃, R₄ are not stated as proper Markush groups; and
- b) the preferred ranges stated for the “aroyl” group with respect to R₁ and R₂, and the alkyl group with respect to R’ renders claim 1 indefinite.

Applicants respectfully submit that the claims, as amended, fully comply with the requirements of Section 112, second paragraph.

In this regard, Claim 1 has been amended to recite the substituents for R₁ through R₄ in "traditional" Markush group language format. It is respectfully submitted that this amendment does not change the scope of the claim 1 as originally presented and that one skilled in the art would have understood the scope of R₁ through R₄ as originally presented.

Claim 1 has also been amended to remove the preferred aroyl groups for R₁ and R₂ and the preferred alkyl groups for R'. It is respectfully submitted that this amendment also does not change the scope of claim 1 as originally presented, as one skilled in the art would have reasonably recognized that the preferred groups are optional in claim 1.

In view of the above remarks and amendments being made to Claim 1, Applicants respectfully request that the rejection under Section 112, second paragraph be withdrawn.

CONCLUSION

Applicants believe that the foregoing constitutes a complete and full response to the Office Action of record and request withdrawal of all outstanding rejections. Early and favorable notification of allowance of all pending claims is earnestly requested.

Respectfully Submitted,



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